



PETITION#: _____
FEE: _____
FOR OFFICE USE ONLY

PETITION

PLEASE PRINT LEGIBLY

CLARK COUNTY, INDIANA

PETITION FOR:

BOARD OF ZONING APPEALS

☐

PLANNING COMMISSION

☐

Name of Applicant: _____

Applicant's Address: _____

Email Address: _____

Telephone Number: _____ Fax Number: _____

Date of Application: _____ Township: _____

Address or Property Subject to This Petition: _____

Grant: _____ or Section: _____ Congressional Township: _____ Range: _____

Municipal Township: _____ Zoning Classification: _____ Subdivision (if applicable): _____

Please Check the Applicable Box:

**Amendment to the Official
Zoning Maps of Clark County**

☐

**Variance to the Zoning
Ordinance of Clark County**

☐

**Special Exception as Required by the
Zoning Ordinance of Clark County**

☐

Other

☐

Describe Detailed Use: _____

(ATTACH MORE SHEETS IF NECESSARY)

Specific Reason for Requesting:

A Rezoning from _____ to _____

A Variance to the Zoning Ordinance of Clark County

A Subdivision Plat as required by the Zoning Ordinance of Clark County

A Special Exception as required by the Zoning Ordinance of Clark County

☐

Please Explain (BE SPECIFIC AND INCLUDE DETAILS):

[illegible]

Dated and signed by petitioner(s) at Jeffersonville, Clark County, Indiana, this ____ day of _____, 20____

Petition Prepared By (Signature)

All Legal Owners (Named on Deed) Must Sign

FOR OFFICE USE ONLY

☐ FOR **RECOMMENDATION** BY PLAN COMM TO CO COMM

☐ FOR **FINAL DECISION** NY PLAN COMMISSION

☐ FOR **FINAL DECISION** NY BOARD OF ZONING APPEALS

DRAWING ATTACHED OR UNDER SEPARATE COVER
****REQUIRED****

Please Provide the Following:

1. Attach the legal description of the property.
2. Attach a development plan depicting all information required and information the applicant believes necessary for review by the Board or Commission; including, as applicable: parcel dimensions, locations of streets, driveways, location and number of parking spaces, sewer and water lines, and other appropriate information.
3. Include any additional evidence necessary to support the petition.

I affirm, under the penalties of perjury that the foregoing representations are true.

Applicant's Signature: _____ Date: _____

Applicant's Name (printed): _____

Please complete and attach the Findings of Fact worksheet to this Petition before submitting to the Office of Planning and Zoning, as well as the Affidavit of Notice of Public Hearing found within this Petition application. Please note the following requirements regarding time-sensitive notices, required by IC 36-7-4-604 and IC 5-3-2, and read in the Clark County Zoning Ordinance as follows:

1.The petitioner must mail a notice of hearings by certified mail, return receipt to each of the abutting property owners no less than ten (10) days prior to the hearing. In the event there are less than five (5) abutting property owners, the petitioner must notify the abutting property owners and the next closest property owners so a minimum of five (5) property owners closest to the subject property are properly notified. If the subject property abuts on a county line or county line roadway, the owners of all property to a depth of two (2) ownerships, or 1/8 of a mile, whichever is less, in such adjoining county, must be notified.

2.Notice of public hearing shall be published one time at least ten (10) days before the date of the hearing.

3.A sign depicting the Notice of a Public Hearing must be posted in a conspicuous space on the subject property, along all road frontage of the subject property at least every 500 feet, at least ten (10) days prior to the hearing.

Please submit proof of mailings and proof of publication from the newspaper to the Office of Planning and Zoning prior to the hearing of the Petition.

Please use the Public Notice templates within this Petition application for the mailings and publication. DO NOT ALTER ANY WORDING IN THIS TEMPLATE, ONLY FILL IN THE BLANKS WITH THE APPROPRIATE INFORMATION.

**Affidavit of Notice of Public Hearing
Clark County, Indiana**

I [we] _____ certify that notice of public hearing to consider
Petition # _____ pertaining to the _____ was sent by certified first class
mail the last known address, as determined by records of the Clark County Auditors, to each of the following
persons.

OWNER'S NAME	MAILING ADDRESS

Attach additional sheets if needed

And that such notice were mailed on the _____ day of _____, 20____ being at least 10 days prior to the
scheduled public hearing and that timely proof of such first certified first class mailing[s] are attached hereto.

Applicant, Attorney, or Authorized Signature

Date

Printed name.

State of Indiana)

County of Clark)

Subscribed and sworn to before me this _____ day of _____, 20____

Notary Public Resident of Clark County, Indiana

My commission expires: _____

Sample Legal Notice

Complete and publish the following legal notice in a daily newspaper of general circulation in Clark County at least 10 days prior to the date of the public hearing. The applicant should be aware that the newspaper has deadlines for submittal of public notices. It is the sole responsibility of the applicant to meet these deadlines.

Public Notice Clark County, Indiana Board of Zoning Appeals/Plan Commission

The Board of Zoning Appeals/Plan Commission will meet on _____ day of _____, 20____ at 5:00 p.m. at the Clark County courthouse located at 501 E. Court Avenue, Room 418, Jeffersonville, IN, 47130 for the purpose of holding a public hearing and acting on the following:

Requested Action: The applicant is requesting a _____ to

At the following commonly known address: _____

The petition is available for public review at the Planning & Zoning Department, 501 E. Court Avenue, Room 416, Jeffersonville, IN, 47130 between the hours 8:30 a.m. to 4:30 p.m.

Interested persons desiring to present comments either in writing or verbally will be given the opportunity to be heard at the aforementioned time and place. Written objections to the proposal that are filed with the Secretary of the Commission before the hearing will be considered. The hearing may be continued from time to time, as may be found necessary.

Clark County Board of Zoning Appeals
Clark County Plan Commission



**CLARK COUNTY PLANNING & ZONING
501 E. COURT AVENUE, ROOM 416
JEFFERSONVILLE, IN 47130
812-285-6287**

GUIDELINES FOR PROPER PUBLIC NOTIFICATION

1. A legal notice will need to be mailed/delivered/ emailed to the local newspaper – The News & Tribune – for publication in the newspaper **10 days** prior to the public hearing. See the Petition packet for the public notice template.
2. Legal notices and instructions of the public meeting will need to be certified mailed **10 days** prior from the meeting date to each adjacent property owner on your list attached to the Petition packet. Blank certified mail cards and receipts are provided in the Petition packet.
3. Legal notices and instructions for the meeting must also be certified mailed to the jurisdictional fire department and school district. A list of fire departments and school district offices is provided in the Petition packet.

Please feel free to contact our office if there are any further questions and/or assistance in completing the Petition packet is needed.

Thanks,

Stacia Franklin
Interim Executive Director



CLARK COUNTY PLANNING & ZONING
501 E. COURT AVE, ROOM 416
JEFFERSONVILLE, IN 47130
(812) 285-6287 – P
(812) 280-5616 – F

Information Regarding Procedures for Clark County Plan Commission and Clark County Board of Zoning Appeals Hearings

You have received the enclosed legal notice because you are a landowner next to or near a parcel of land whose owner is seeking to have it subdivided, re-zoned, or varied from established developmental or use standards. The notice tells you the date, time, and place of the hearing. Requests for re-zoning, for approval of subdivision plats, and/or to vacate or re-plat subdivisions are made at public hearings before the Plan Commission. Requests for variances, special uses and special exceptions are made at public hearings before the Board of Zoning Appeals. You have a right to attend and speak at the hearing with or without a lawyer as summarized below.

Hearings before the Plan Commission and the Board of Zoning Appeals are governed by a set of rules that all participants must abide by. The rules are summarized as follows:

- The applicant gets up to 15 minutes to make a presentation
- Any landowner receiving a notice gets up to 3 minutes to speak
- If all landowners speak for less than a total of 15 minutes the remainder of time is given to any other person(s) for 1 minute each until the total of 15 minutes is used
- No rebuttal or replies by any party are allowed
- Time may not be reserved by a party
- You may submit any written materials in support of your position before the hearing or during the hearing so long as the allotted time has not expired.

Plan Commission Authority:

1. If the applicant requests to re-zone property, the Plan Commission may make recommendations to the Board of County Commissioners to approve or deny the re-zoning request. Alternatively, the Plan Commission can send the re-zoning request to the County Commissioners without a recommendation. Ultimately, all re-zoning requests must be decided by the County Commissioners. Most personal comments you may wish to express about the proposal are relevant and considered by the board.
2. If the applicant requests to approve a subdivision plat, the Plan Commission may not deny the request if it conforms to all the requirements of the subdivision control ordinance. The purpose of the hearing is to determine whether the plat conforms to the ordinance. If it does not, it can be turned down. However, if it does, then it cannot be turned down. A copy of the proposed subdivision plat may be obtained prior to the hearing from the Planning and Zoning Office. Under Indiana law, any opposition to a subdivision must be based on its specific failure to meet the concrete standards of the ordinance or other failure to comply with the ordinance or procedure. General comments in opposition are irrelevant (i.e. personal reasons why you don't think the subdivision should be approved). Only specific comments about failure to comply with the ordinance or procedure can be considered by the board.

Board of Zoning Appeals Authority:

1. If the applicant requests to grant a variance, special use, or special exception the applicant must meet certain statutory requirements before his/ her request can be granted. You may consult a lawyer if you have questions about those statutory requirements. Most personal comments you may wish to express about the proposal are relevant and considered by the Board.

APPLICANTS AND REMONSTRATORS SHALL NOT CONTACT BOARD MEMBERS

FIRE DEPARTMENT:

Borden Volunteer Fire Department
327 Main Street
Borden, IN 47106

Clarksville Fire Department
125 E Stansifer Avenue
Clarksville, IN 47129

Charlestown Volunteer Fire Department
PO Box 235
Charlestown, IN 47111

McCulloch Volunteer Fire Department
2006 Allison Lane
Jeffersonville, IN 47130

Monroe Township Volunteer Fire Department
PO Box 88
Henryville, IN 47126

Sellersburg Volunteer Fire Department
426 Utica Street
Sellersburg, IN 47172

New Washington Volunteer Fire Department
PO Box 159
New Washington, IN 47162

Utica Volunteer Fire Department
5820 Utica Pike
Jeffersonville, IN 47130

SCHOOL CORPORATIONS:

Greater Clark County School Corporation
Attn: Dr. Andrew Nelin
2112 Utica-Sellersburg Road
Jeffersonville, IN 47130

West Clark Community School Corporation
Attn: Mr. Chad Schenck
601 Renz Avenue
Sellersburg, IN 47172



PLAN COMMISSION/BOARD OF ZONING APPEALS PETITION

The following information MUST be received in the Planning & Zoning Office NOT LATER THAN four (4) weeks before the scheduled meeting:

1. Provide legal description of property subject of application. Where possible, this legal description must be supported by deed, mortgage, or other recorded legal documents. In the absence of such documentation, a surveyor or engineer's survey description will suffice.
2. Provide a LEGIBLE list of interested persons to the Planning & Zoning Office. The applicant must provide the names and addresses of all adjoining property owners or a minimum of five (5) property owners in cases where there are less than five (5), who will receive official notice of your petition. You can find this information in the plat room in the Clark County Auditor's Office on the First Floor of the county courthouse building. Please provide the name and address of closest school corporation and fire department. The Planning & Zoning Office will supply the addresses, if needed.
3. All legal owners must sign the petition. This means if you are buying on contract the person(s) you are purchasing the property from must also sign the petition.
4. The petition fee for the Plan Commission is \$400.00, plus fees per lot for Subdivisions and PUDS.
5. The petition fee for the Board of Zoning Appeals is \$200.00.
6. YOU are responsible for publishing the legal notice at least ten (10) days prior to the meeting. Publish the notice in THE EVENING NEWS – NEWS & TRIBUNE located at 212 Spring Street, Jeffersonville, Indiana. The Planning & Zoning Office will prepare the notice for publication. You are responsible for delivering the notice to the newspaper and the cost of the publication.
7. The applicant is responsible for sending certified letters of notice of the hearing to the adjoining property owners at least 10 days prior to the hearing. Legal notice forms and envelopes with return receipts are provided in the Planning & Zoning Office. Please return the certified receipts indicating that notices were mailed to the Planning & Zoning Office.
8. You, your agent, or an attorney must represent your application at the meeting. (An attorney is not required.)

9. Applicants filing a petition for the Plan Commission or Board of Zoning Appeals MUST submit a map showing the location of the subject property and the characteristics of the surrounding property. This requirement can be met with a portion of the appropriate zoning map(s) located in the Planning & Zoning Office. Applicants are encouraged to present any other maps or drawings helpful in explaining their intent to Plan Commission members or Board of Zoning Appeals members. You should be prepared to make your presentation with specific facts and in detail.
10. Fill out the petition completely and discuss your options with a staff member in the Planning & Zoning Office.
11. Notification Sign: Notice of all hearings before the Clark County Plan Commission, with exception to Final Plats, or the Board of Zoning Appeals shall be posted in a conspicuous place on the subject property at least every 500 feet at least 10 days prior to the date of the hearing. Such signs shall be no smaller than 22 inches in height and 28 inches in width and shall bear lettering large and bold enough to be read from the road frontage. Each such notice shall state as a minimum: "The owner of this property has made a request before the Clark County Plan Commission/ Board of Zoning Appeals on a proposed (rezoning, subdivision, variance, etc.). A public hearing will be held on the request at Room 418, Clark County Courthouse, Jeffersonville, Indiana, on the _____ day of _____, 20____, at _____ o'clock ____m.
12. Signs may be purchased in the Planning & Zoning Office.
13. All signs shall be removed within ten (10) days following final action.
14. The Plan Commission's decision concerning rezoning is advisory only. The final decision is by the Clark County Commissioners.
15. The Board of Zoning Appeals decision is final.
16. You will be notified in writing of the decision of the Plan Commission/ Board of Zoning Appeals.

CLARK COUNTY BOARD OF ZONING APPEALS

RULES AND PROCEDURES

ARTICLE I. AUTHORITY AND DUTIES

Section 1. The Clark County Board of Zoning Appeals (herein "Board") adopts these rules and procedures in order to comply with I.C. 36-7-4-901 et seq.

Section 2. These rules and procedures are not intended to summarize or encompass all of the rules and procedures as set forth in the Indiana Code or Clark County Ordinance relating to zoning matters or the Board. These rules and procedures are intended only to provide those rules required to be promulgated by the Board under Indiana law which are not contained in Clark County Ordinances.

ARTICLE II. MEMBERS OF THE BOARD

Section 1. All citizen members appointed to the Board shall meet the qualifications set forth at I.C. 36-7-4-902(a) and I.C. 36-7-4-905 as amended from time to time.

Section 2. Each citizen member newly appointed or reappointed to the Board shall complete and sign a "qualification statement" form to be provided by the Executive Director and provide the original qualification statement to the Executive Director of the Plan Commission prior to serving as a member of the Board at a hearing or participating in any official action of the Board.

Section 3 Each citizen member shall thereafter complete, sign and provide the Executive Director with an original qualification statement prior to serving as a member of the Board prior to the first Board meeting in each calendar year or prior to participating in any official action of the Board, whichever date is earlier.

Section 4. Each Citizen Member shall be obligated to correct, complete and provide the Executive Director of the Plan Commission with an updated qualification statement immediately upon becoming aware that any statement in such member's qualification statement has changed or was inaccurate when given.

Section 5. The failure of any Citizen Member of the Board to provide a qualification statement at any time stated in these rules shall not disqualify the Citizen Member from the Board or affect any participation or vote of the member in the official action of the Board. However, the Executive

Director shall request a qualification statement forthwith from any Citizen Member who fails to provide one in accordance with these rules.

ARTICLE III. APPEAL OF STAFF DECISIONS

Section 1 Filing Appeal: Any property owner or aggrieved person who is directly affected by a staff decision may appeal a staff decision by filing a written appeal with the Board within thirty (30) days after such decision. The appeal must contain at a minimum the following information:

- a) Address of the property in question;
- b) Name, address and telephone number of the aggrieved person;
- c) Specify the decision appealed;
- d) Attach all documents which support the contentions of the aggrieved person;
- e) Specify the remedy requested by the aggrieved person;
- f) Itemization of all grounds which support the aggrieved person's contention that the staff decision was in error.

All appeals shall be filed with the Executive Director of the Plan Commission. The Executive Director shall provide copies of an appeal to the President of the Board and to the Board attorney upon receipt of an appeal. All appeals must be accompanied by the filing fee then in effect for applications filed with the Board.

Section 2 Notice and Hearing: Notice of any appeal shall be given as in all other applications before the Board as provided in these rules and be heard in accordance with the hearing procedures contained in these rules. The appeal shall be heard at the next regularly scheduled Board meeting following proper notice.

ARTICLE IV. VARIANCES OF USE AND FROM DEVELOPMENT STANDARDS

Section 1 Variance of Use: A variance of use shall mean the use of land or the use of a building or structure other than that prescribed by the Clark County Zoning Ordinance. Variances of use are to be determined in accordance with I.C. 36-7-4-918.4.

Section 2 Variance of Development Standards: A variance of a development standard shall mean a deviation from the area, height, bulk and other applicable regulations of a zoning district contained in the Clark County Zoning Ordinance which governs the physical development of real estate. Variances from Development Standards are to be determined in

accordance with I.C. 36-7-4-918.5.

ARTICLE V. INTERESTED PARTIES NOTICE

Section 1. Interested parties shall mean each of the abutting property owners of land abutting the subject property of the application or Petition. In the event there are less than five (5) abutting properties then the next closest property owners shall be included so that the owners of a minimum of five (5) properties are notified. In addition, if the subject property abuts on a county line or a county line roadway, then the owners of all property to a depth of two (2) ownerships or one-eighth of a mile, whichever is less, in such adjoining county, shall be interested persons. In addition, if the subject property is located within the airport zone then additional parties are interested persons as required in such zone. The names and addresses of interested persons shall be as shown by the tax assessment roles of the Clark County Auditor at the time the petition or application is filed with the Commission.

Section 2. In addition to other notice as required by ordinance or state law, written notice in the form required by law of applications or petitions shall be sent by Certified Mail, return receipt to each interested person not less than ten (10) days prior to the hearing on the application or petition.

Section 3. The Petitioner or applicant shall, at its sole expense, be solely responsible to ascertain the names and addresses of interested persons and to comply with all notice provisions under these rules, county ordinance and state law.

ARTICLE VI. HEARINGS

Section 1. The order of business at regular meetings shall be:

- a) Call to order;
- b) Consideration and signing of minutes of previous meeting;
- c) Hearing of agenda items and decisions;
- d) Discussion of other business of the Board on agenda and appropriate decisions; and
- e) Adjournment

Section 2. The order of presentation on any Petition or application heard by the Board shall be as follows:

- a) Presentation of staff report, if any, by Director;
- b) Presentation by Petitioner;
- c) Questions if any, by Board Members;
- d) Presentation by Interested Persons;
- e) Questions, if any, by Board Members;

- f) Presentation by others at discretion of President;
- g) Additional questions, if any by Board members of all speakers; and
- h) Official action by Board on Petition.

Section 3. The Petitioner, interested persons and any other remonstrators may appear in person, by agent or attorney. Any person who is not a Petitioner, interested person or an agent or attorney for a Petitioner or interested person must provide in writing to the Commissioner such person's name, address and identify the case or matter on which they request to speak not later than the start of the Board meeting.

Section 4. The time allocated to the Petitioner and interested persons is as follows:

- a) Petitioner – 15 minutes
- b) Each interested person – 3 minutes (one (1) person per property ownership)
- c) In the event that the presentation by all interested persons who spoke does not equal or exceed 15 minutes in the aggregate, then other remonstrators, in the order in which said persons have signed the form mentioned in Article VI Section 3, shall each be allowed to speak for a period of one (1) minute until the remainder of the 15 minutes of the remonstrators time is used.

There shall not be any rebuttal time allotted to the Petitioner or any interested person. No one is permitted to reserve any time not used in their presentation.

Section 5. The President of the Board may terminate any repetitious or irrelevant presentation. Every person appearing before the Board shall abide by the order and directions of the President.

Section 6. Written comments sent to the board prior to the hearing shall be read or outlined to the Board by the staff prior to official action.

Section 7. Each person speaking must state his or her name and address prior to making their presentation.

Section 8. The President may remove any person from the meeting who appears at the public meeting and who disrupts the meeting by cell phone usage, celebration of presentations or action by the Board or any discourtesies, disorderly or contemptuous conduct towards the Board or any other person.

Section 9. The Board by a majority vote at any meeting shall have authority to extend the time periods specified in these rules.

Section 10. No petitioner, remonstrator, interested person or their representative shall contact any member of the Board orally, or in writing, in advance of a public hearing, on a petition then pending or intended to be filed for decision, with the intent to influence such person's action on such petition.

ARTICLE VII. VOLUNTARY COMMITMENTS

Section 1. The Board may permit or require any owner whose property is the subject of any Petition or application, other than a development plan under I.C. 36-7-4-1401 et. seq., to make a written commitment under I.C. 36-7-4-921 which would be binding upon the owner and all successors and assigns regarding the use and/or development of the subject property in the event that the petition or application is approved. Any such commitment would be subject to the approval of the Board and its counsel as to form and terms. A template of a commitment is available at the Board's office.

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